

**UNITED STATES DEPARTMENT OF COMMERCE****United States Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/209,440 12/10/98 GRUSE

G SE9-98-007

023334 TM02/0727
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EXAMINER

NGUYEN, N

ART UNIT

PAPER NUMBER

2164

DATE MAILED:

07/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/209,440

Applicant
Gruse et al.

Examiner
Nguyen Nga B

Art Unit
2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 11, 2001
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 53-62 and 73-82 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 53-62 and 73-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on May 11, 2001 , which paper has been placed of record in the file.
2. Claims 53-62 and 73-82 are pending in this application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

4. Claims 53-62 and 73-82 are rejected under 35 U.S.C. 102(e) as being anticipated by Ginter et al, U.S. Patent No. 5,892,900.

Regarding to claim 73, Ginter discloses a method for providing a collection of data structures and subroutines for developing an application for paying digital content data, the method comprising the steps of:

receiving previously encrypted content data encrypted with an encrypted key from an external source (column 309, line 25-column 313, line 56) ;

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storing the previously encrypted content data in library (column 307, line 5-column 308, line 61);

selecting one or more encrypted content data from the library to play (column 198, line 40-column 199, line 32); and

decrypting each content data selected to be played with its unique decrypting key, wherein the decrypting is performed in a tamper-resistant subroutine for deterring unauthorized access to the instructions for decrypting the content data and for deterring unauthorized access to the decrypting key (column 195, lines 27-47 and column 64, lines 15-40).

Regarding to claim 74, Ginter further discloses decrypting the received previously encrypted content data prior to storage in the library; re-encrypting the decrypted receive content data with a local encryption key wherein the decrypting and re-encrypting instructions are performed in the tamper resistant subroutine (columns 170-172).

Regarding to claim 75, Ginter further discloses re-encrypting the decrypted receive content data utilizes a unique local encryption key for each content data prior to storage (column 171, lines 43-55).

Regarding to claim 76, Ginter further discloses re-encrypting each unique local encryption key with a common local encryption key (column 173, lines 45-60).

Regarding to claims 77-78, Ginter further discloses storing the unique local encryption key and the common local encryption key in several distinct parts throughout an information processing system (column 171, lines 48-51).

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Regarding to claims 79-81, Ginter further discloses creating play-lists for playing one or more content data and playing the content data in each play list; naming each play-list created; storing the named play list for playing the content data in each play list at a later time; sorting each play-list in response to a user request (columns 314-316).

Regarding to claim 82, Ginter further discloses playing each content data selected to be played; and displaying the metadata associated with the content data (columns 316-320).

Claims 53-62 are written in computer software and parallel limitations as found in claims 73-82 discussed above, therefore are rejected by the same rationale.

Conclusion

5. Claims **53-62** and **73-82** are rejected.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

7. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)

or:

(703) 308-5397 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington.
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen
July 17, 2001


VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100